

Angie M. Marth, Esq. (24046353)
GHIDOTTI BERGER, LLP
600 E. John Carpenter Fwy., Ste. 175
Irving, TX 75062
Ph: (972) 893-3096
Fax: (949) 427-2732
bknotifications@ghidottiberger.com

Attorneys for Movant,

U.S. Bank Trust National Association, as trustee of the Cabana Series III Trust,
its successors and/or assignees

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

Edward R. Garcia

DEBTOR,

**U.S. Bank Trust National Association, as
trustee of the Cabana Series III Trust,
its successors and/or assignees**

MOVANT,

**Edward R. Garcia, and
Carey D. Ebert, Trustee,**

RESPONDENTS.

§ CASE NO.: 20-40939

§

§ CHAPTER 13

§

§

§

§

§

§

§

§

§

§

§

NOTICE OF TERMINATION OF AUTOMATIC STAY
DUE TO FAILURE TO CURE DEFAULT

1. On June 17, 2020, U.S. Bank Trust National Association, as trustee of the Cabana Series III Trust, Movant filed a Motion for Order Terminating the Automatic Stay pursuant to 11 U.S.C. § 362 and §1301.
2. On July 06, 2020, a Default Order Granting Motion for Relief from Automatic Stay was entered by the Court and terminating the automatic stay of 11 U.S.C. § 362(a) and co-debtor of 11 U.S.C. §1301(a).

3. On July 8, 2020, a Motion to Reconsider the Order Granting Motion for Relief was filed by the Debtor.
4. On July 17, 2020, Movant and Debtor (“the parties”) entered into an Agreed Order Granting Motion to Vacate Order Lifting Automatic Stay and for Reconsideration of the Motion to Lift the Automatic Stay.
5. On July 17, 2020 the parties entered into an Adequate Protection Order on the Motion for Relief from Stay (“Agreed Order”).
6. The Agreed Order required Debtor to make payment to Movant to cure the post-petition arrears through July of \$10,813.60 by July 15, 2020. According to the terms of the Agreed Order, if the Debtor failed to cure the post-petition arrears of \$10,813.60 by July 15, 2020, the Automatic Stay would automatically terminate without further notice, hearing or order.
7. As of July 28, 2020, the Debtor has failed to cure the post-petition arrears and make payment to Movant in the amount of \$10,813.60.
8. In accordance with the terms of the Agreed Order and request in Motion for Relief from Automatic Stay, the automatic stay of 11 U.S.C. § 362(a) and co-debtor of 11 U.S.C. §1301(a) of the Bankruptcy Code is hereby terminated with respect to Movant and the property commonly known as 3317 Wolfe Ct., Plano Texas 75025.
9. Furthermore, pursuant to the Agreed Order, the 14-day stay as provided in FRBP 4001(a)(3) is waived.

Dated: July 28, 2020

Respectfully submitted,
GHIDOTTI BERGER

/s/ Angie Marth
24046353, Esq
State Bar No. 24103791
600 E. John Carpenter Fwy. Ste. 200
Irving, Texas 75062
Ph: (949) 427-2010

Angie M. Marth, Esq. (24046353)
GHIDOTTI | BERGER
600 E. John Carpenter Fwy., Suite 175
Irving, TX 75062
Tel: (972) 893-3096
Fax: (949) 427-2732
bknotifications@ghidottiberger.com

Attorney for Movant,
U.S. Bank Trust National Association, as trustee of the Cabana Series III Trust, its Successors
and Assigns

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	CASE NO.: 20-40939
	§	
Edward R. Garcia	§	CHAPTER 13
	§	
DEBTOR,	§	CERTIFICATE OF SERVICE
	§	
U.S. Bank Trust National Association, as	§	
trustee of the Cabana Series III Trust,	§	
its successors and/or assignees	§	
MOVANT,	§	
	§	
Edward R. Garcia, and	§	
Carey D. Ebert, Trustee,	§	
	§	
RESPONDENTS.	§	

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave., Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would

be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On July 28, 2020 I served the following documents described as:

- **NOTICE OF TERMINATION OF AUTOMATIC STAY DUE TO FAILURE TO CURE DEFAULT**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

Debtor Edward R. Garcia 3317 Wolfe Court Plano, TX 75025 Junior Lienholder: BSI Financial Services 314 S Franklin Street, 2nd Floor Titusville, PA 16354	Debtors' Counsel Joyce W. Lindauer Joyce Lindauer, Attorney 1412 Main Street Suite 500 Dallas, TX 75202 Chapter 13 Trustee Carey D. Ebert P. O. Box 941166 Plano, TX 75094-1166 US Trustee Office of the U.S. Trustee 110 N. College Ave. Suite 300 Tyler, TX 75702
---	---

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

 Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 28, 2020 at Santa Ana, California

/s / Brandy Carroll
Brandy Carroll